

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**2 COMMISSIONERS

3 LEA MÁRQUEZ PETERSON, Chairwoman
4 SANDRA KENNEDY
5 JUSTIN OLSON
6 ANNA TOVAR
7 JIM O'CONNOR

8 IN THE MATTER OF A GENERIC DOCKET
9 REGARDING THE INQUIRY INTO COMMISSION
10 POLICES.

Docket No. AU-00000A-16-0141

**GRAND CANYON STATE
ELECTRIC COOPERATIVE
ASSOCIATION, INC.'S
REQUEST FOR RULEMAKING
REGARDING GENERIC
DOCKETS**

11 Grand Canyon State Electric Cooperative Association, Inc. ("GCSECA"), on behalf of its
12 Arizona electric cooperative members (the "Cooperatives"),¹ hereby requests that the
13 Commission open a rulemaking docket to consider adding a rule to the Arizona Administrative
14 Code addressing the application of generic dockets to cooperatives operating in Arizona. A copy
15 of GCSECA's proposed rule is attached as Exhibit A.

16 As the Commission is aware, the Cooperatives differ from other regulated utilities. They
17 are not-for-profit entities, owned by their member-customers and governed by their
18 democratically-elected Boards of Directors. The Cooperatives operate with fewer employees
19 and smaller budgets than the other electric utilities. In recognition of their unique status, the
20 Commission has previously tailored rules to address how the Cooperatives are regulated. Those

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22 ¹ GCSECA's members include the following generation, transmission, and distribution
23 cooperatives: Arizona Electric Power Cooperative, Inc.; Duncan Valley Electric Cooperative,
24 Inc.; Graham County Electric Cooperative, Inc.; Mohave Electric Cooperative, Inc.; Navopache
Electric Cooperative, Inc.; Sulphur Springs Valley Electric Cooperative, Inc.; and Trico Electric
Cooperative, Inc.

1 rules provide simplified, streamlined processes that benefit both the Cooperatives and the
2 Commission's Utilities Division Staff ("Staff"). *See* A.A.C. R14-2-107, R14-2-108, R14-2-
3 1814, and R14-2-2627. Consistent with these historic and ongoing efforts to develop efficient
4 procedures for the Cooperatives, GCSECA has identified an additional area for potential
5 improvement.

6 Over the years, generic dockets have been opened at the request of individual
7 Commissioners or the Commission as a whole to address a variety of procedural as well as
8 substantive issues. Some of these dockets have been opened in response to specific concerns
9 about specific utilities, but because they are "generic" dockets, requests for information posted in
10 the dockets and policies flowing from the dockets often extend to all utilities or categories of
11 utilities (*i.e.*, all electric utilities or all Class A utilities). As a result, the Cooperatives spend time
12 and resources participating in such dockets, even when the apparent intent of the docket is aimed
13 at other utilities and not the Cooperatives. Additionally, Staff is often put in the position of
14 having to formulate exceptions (or process waivers) for the Cooperatives in order to avoid
15 unintended consequences from policies adopted in generic dockets.

16 To help clarify whether individual dockets are meant to apply to the Cooperatives,
17 GCSECA has drafted a proposed rule to give the Commission the opportunity to address the
18 intent and scope of generic dockets upon initial opening. The proposed rule sets forth relevant
19 definitions and proposes to narrowly define the term "generic docket" so that it would apply to
20 only two kinds of dockets.² Subpart B of the proposed rule creates a presumption that generic
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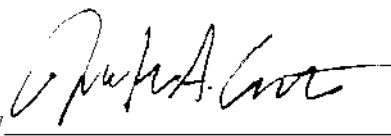
22 ² The proposed rule would not apply to rulemaking dockets; such that under the rule, the
23 Cooperatives would continue to participate in applicable rulemaking proceedings.

1 dockets would not include a Cooperative unless the Commission orders participation. Even if
2 Cooperatives are not ordered to participate, the proposed rule would permit them to do so if the
3 Cooperative's Board of Directors finds participation to be in the best interest of the utility and its
4 member/ratepayers. Additionally, if a generic docket is opened with the intent that it will not
5 include the Cooperatives pursuant to the rule, but that intent changes over time, the Commission
6 can order a Cooperative or group of Cooperatives to participate once participation is deemed
7 necessary and appropriate. Finally, subpart C of the proposed rule provides a procedure for
8 addressing potential due process concerns regarding the application of policies or directives
9 approved by the Commission in a generic docket.

10 The intent of the proposed rule is to encourage thoughtful inclusion of the Cooperatives
11 where appropriate and to preserve resources where participation is not deemed necessary.
12 GCSECA looks forward to working with the Commission and Staff to further these goals.

13 RESPECTFULLY SUBMITTED this 27th day of January, 2022.

14 GALLAGHER & KENNEDY, P.A.

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16 By 

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1 ORIGINAL of the foregoing eFiled
2 with Docket Control via ACC Portal
this 27th day of January, 2022.

3 COPY of the foregoing emailed
4 this 27th day of January, 2022, to:

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Exhibit A

R14-2-109. GENERIC DOCKETS

A. DEFINITIONS.

1. "COOPERATIVE" HAS THE SAME MEANING AS IN R14-2-107.
2. "GENERIC DOCKET" MEANS A DOCKET OPENED TO INVESTIGATE OR ADDRESS AN ISSUE APPLICABLE TO MORE THAN ONE UTILITY OR CLASS OR CATEGORY OF UTILITY AND DESIGNATED AS "GENERIC" OR "MISC" BY DOCKET CONTROL.
3. "DOCKET CONTROL" HAS THE SAME MEANING AS IN R14-2-107.
4. "PARTICIPATE" MEANS TO ACTIVELY TAKE PART IN A COMMISSION PROCEEDING BY DOING AT LEAST ONE OF THE FOLLOWING: PRESENTING AT A COMMISSION OPEN MEETING OR WORKSHOP NOTICED IN THE DOCKET; RESPONDING TO A REQUEST FOR INFORMATION FILED IN THE DOCKET; OR MAKING A SUBSTANTIVE FILING IN THE DOCKET.

B. A COOPERATIVE MAY PARTICIPATE IN A GENERIC DOCKET, BUT SHALL NOT BE REQUIRED TO PARTICIPATE IN SUCH DOCKET UNLESS EXPRESSLY ORDERED BY THE COMMISSION.

C. NO POLICY OR DIRECTIVE APPROVED BY THE COMMISSION IN A GENERIC DOCKET SHALL BE BINDING ON A COOPERATIVE UNLESS THE ORDER APPROVING THE POLICY OR DIRECTIVE EXPRESSLY INCLUDES THE COOPERATIVE, AND EITHER THE COOPERATIVE PARTICIPATED IN THE GENERIC DOCKET PURSUANT TO AUTHORIZATION FROM ITS DEMOCRATICALLY-ELECTED BOARD OF DIRECTORS OR WAS REQUIRED TO PARTICIPATE BY COMMISSION ORDER.